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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:

Barry et al.

Serial No. 10/622,201

Filed: July 18, 2003

For: GLYPHOSATE-TOLERANT 5-
ENOLPYRUVYLSHIKIMATE-3-
PHOSPHATE SYNTHASES

Atty. Dkt. No.: 11899.0175.REUS07

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants request that this Information Disclosure Statement be entered and that the references listed on the attached PTO-1449 form be considered by the Examiner and made of record.

Pursuant to 37 C.F.R. § 1.98(a)(3)(i), Applicants submit the following concise summary of the relevance of each foreign language publication listed in the attached PTO-1449 form. Each of these non-English references was cited by a Japanese Examiner in the corresponding Japanese case. An English translation was not provided by the Japanese Examiner.

The Japanese Examiner cited Okada, ("Gene Expression and Regulation in Higher Plants," in *Developments of Molecular Biology*, No. 13, Maruzen Co., Japan., 1990) in alleging that "regeneration of plant from transformed protoplasts has been difficult and depends on the kinds of plants. Especially there has been no reliable protoplast culture of wheat and barley."

The Japanese Examiner cited *Chemistry and Biology, Bioscience and Biotechnology*, 29:734, 1991; Nagata (*Plant protoplast and Cell Engineering*, pg. 104, 1993); and Uozumi (*Plant Engineering*, pg. 111, 1993) in alleging that “there are some defects in the [microprojectile bombardment] method such as low efficiency of transformation, low reproducibility and formation of chimera.”

Applicants also note the following continuing applications that also have claimed priority to the same applications upon which this reissue application claims priority (Serial Nos. 08/306,063, 07/749,611 and 07/576,537):

U.S. Patent Application Serial No. 08/476,008
Filed: June 7, 1995
Status: Issued as U.S. Patent No. 5,627,061 on May 6, 1997

U.S. Patent Application Serial No. 08/833,485
Filed: April 7, 1997
Status: Issued as U.S. Patent No. 5,804,425 on September 8, 1998

U.S. Patent Application Serial No. 09/137,440
Filed: August 20, 1998
Status: Issued as U.S. Patent No. 6,248,876 on June 19, 2001

U.S. Patent Application Serial No. 09/464,099
Filed: December 16, 1999
Status: Pending (contains allowed claims)

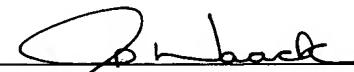
U.S. Patent Application Serial No. 09/861,696
Filed: May 21, 2001
Status: Abandoned (allowed claims transferred to reissue application Serial No. 10/622,201)

In accordance with 37 C.F.R. § 1.97(g), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

A copy of each reference cited in the accompanying PTO-1449, with the exception of C1-C2 and C4-C6, is submitted for the convenience of the Examiner. References C1-C2 and C4-C6 were previously submitted in parent U.S. Application Serial No. 08/306,063, an application upon which applicants rely for an earlier effective filing date under 35 U.S.C. § 120. Accordingly, applicants are not required to submit an additional copy of those references. 37 C.F.R. § 1.98(d).

No fees are believed to be due in connection with the filing of this Information Disclosure Statement. If any fees are due, the Commissioner is authorized to deduct those fees from Howrey Simon Arnold & White, LLP Deposit Account No. 01-2508/11899.0175.REUS07.

Date: April 6, 2005



Jane D. Waack
Reg. No. 36,300

ATTORNEY FOR ASSIGNEE
MONSANTO TECHNOLOGY LLC

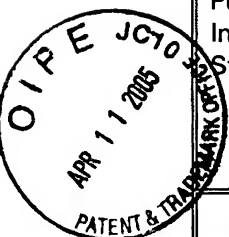
HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Drive
Houston, Texas 77057-2198
Tel. No. (713) 787-1686
Fax No. (713) 787-1440

CERTIFICATE OF MAILING

37 C.F.R. § 1.8

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Signature



Form PTO-1449 (Modified) List of Patents and Publications for Applicant's Information Disclosure Statement		Atty Docket No. 11899.0175.REUS07		Serial No. 10/622,201		
		Applicant(s): Gerard F. Barry, et al.				
		Filing Date: July 18, 2003		Group: 1638		
U.S. Patent Documents						
Exam. Init.		Patent Number	Issue Date	Inventor Name(s)	Class/Subclass	Filing Date
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	A2	4,971,908	11/1990	Kishore et al.	435/172.1	
	A3	5,094,945	3/1992	Comai	435/172.3	
	A4	5,310,667	5/1994	Eichholtz et al.	435/172.3	
	A5	5,004,863	4/1994	Umbeck	800/205	
	A6	5,159,135	10/1992	Umbeck	800/205	
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	A9	5,518,908	5/1996	Corbin, et al.	435/172.3	
	A10	5,569,834	10/1996	Hinchee, et al.	800/205	
	A11	5,164,316	11/17/92	McPherson et al.	435/240.4	
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	A20	5,627,061	5/6/97	Barry et al.	800/288	
	A21	5,633,435	5/27/97	Barry et al.	800/205	

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	B3	0 293 358	11/1988	Europe		
	B4	0 426 641	5/1991	Europe		
	B5	9 104 323	4/1991	PCT		
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Other Information						
	C1	Comai <i>et al.</i> (1988) <i>Journal of Biological Chemistry</i> 263: 15104-15109.				
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DATE CONSIDERED: _____

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.